



ADMINISTRATIVE RULES – FISCAL IMPACT SUMMARIES

Section 17A.4(3) Iowa Code Supplement requires the Legislative Services Agency (LSA) to analyze the fiscal impact of all administrative rules with an impact of \$100,000 or more and provide a summary of the impact to the Administrative Rules Review Committee (ARRC). Fiscal Impact Statements filed by State agencies can be found on our website at http://staffweb.legis.state.ia.us/lfb/docs/Admin_Rules/arfiscal_notes.htm.

Department of Transportation

ARC 7909B

Rule Summary Eliminates references to the Iowa Railway Finance Authority and transfers administrative rules relating to the Railroad Revolving Loan and Grant Program from the Iowa Railway Finance Authority to the Department of Transportation (DOT).

Fiscal Impact No fiscal impact.

ARC 7901B

Rule Summary Cites the current version (October 2008) of the Code of Federal Regulations (CFR) relating to regulating interstate for-hire carriers. No changes to the CFR have occurred.

Fiscal Impact No fiscal impact.

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ARC 7902B

Rule Summary

Provides for the following changes:

- Amends the documentation acceptable for proof of age and identity from persons applying for Iowa driver's licenses and nondriver identification cards.
- Increases the time before a driver's license skills test is required when an expired out-of-state license is presented.
- Changes the definition of an airbrake system on a commercial motor vehicle.
- Eliminates the use of a marriage license as evidence of a name change.
- Adopts the current version (October 2008) of the CFR relating to:
 - Commercial driver's license (CDL) school bus endorsements.
 - Motor Carrier Safety Assistance Program.
 - Withholding of federal-aid highway funds based on State noncompliance with the CDL program.
 - Intrastate operations of interstate motor carriers.
 - Civil penalties and disqualifications for violations of out-of-service orders.
 - Civil penalties for denial of access to records and property and for violations of statutes and regulations governing hazardous materials transportation.
 - Exemption from the federal hours-of-service regulations for operators of commercial motor vehicles engaged in certain defined operations.
 - Exemption of drivers of propane service or pipeline emergency vehicles during emergency conditions requiring immediate response; and interstate transportation of household goods.
- Allows SR-22 lift notices to indicate that future proof of insurance is on file with the State rather than listing specific motor vehicle information.
- Strengthens the requirements to obtain personal information for motor vehicle records.
- Provides procedures for the suspension of the driving privilege when a driver is not in compliance with tax-related requirements of the Department of Revenue.
- Changes procedures for conducting remedial driver improvement actions with young drivers subject graduated driver licenses.

Fiscal Impact

No fiscal impact.

ARC 7885B

Rule Summary

Requires the DOT to install close-clearance warning signs along railroad tracks in places where the clearance between the track and an obstruction along the track would impede a person that is lawfully riding on the side of a train from clearing the obstruction.

Fiscal Impact

There will be no State fiscal impact. Within HF 911 (FY 2008 Infrastructure and Capitals Appropriations Act), \$100,000 was provided to the DOT from the Railroad Revolving Loan and Grant Fund to reimburse the affected parties for the cost of close-clearance warning signs and installation. The DOT will reimburse the owner of the railroad track up to \$100 per sign for the sign and installation. These rules only apply when funds are available from the DOT for reimbursement. The DOT anticipates it will take several years to reimburse the owners the \$100,000, since the number of signs required and the amount of time it will take the owners to install the signs and request reimbursement is unknown.

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Department of Economic Development

		ARC 7845B
Rule Summary	Creates eligibility requirements, establishes application review and approval procedures, and specifies the allocation for the federal Neighborhood Stabilization Program.	
Fiscal Impact	The State's share of funding from the federal Program is anticipated to be \$21.6 million. A State match is not required.	
		ARC 7844B
Rule Summary	Implements HF 2687 (Underutilized Property Redevelopment Tax Credits Act). Adds new definitions for Brownfield Redevelopment Advisory Council, Grayfield site, green development, qualifying investment, qualifying redevelopment project, and sustainable design. Amends the definition of "Brownfield site." Provides the eligibility requirements and application procedures for the new redevelopment tax credits.	
Fiscal Impact	Redemption of tax credits is projected to reduce net General Fund revenue by the following amounts: <ul style="list-style-type: none">• FY 2010 = \$300,000• FY 2011 = \$400,000• FY 2012 = \$300,000 <p>There is no projected impact past FY 2012. The decrease in revenue is the same as the estimate used during the 2008 General Assembly. Redemption of the tax credits is also projected to reduce local option income surtax for schools revenue by a total of \$30,000 over the FY 2010 through FY 2012 time period.</p>	
		ARC 7846B and 7848B
Rule Summary	Conforms to the requirements of SF 304 (Pilot Project Withholding Tax Credit Extension Act) and provides revised governing rules for May 21, 2009, through June 30, 2009. The Act extends the deadline for creating Targeted Jobs Withholding Tax Credit Agreements from June 30, 2010, to June 30, 2013. The Act provides financial and other limitations on agreements and requires Department of Economic Development (DED) approval of new agreements. <p>Rescinds the rules that were impacted by a 70-day Administrative Rules Review Committee (ARRC) delay effective on May 21, 2009, and complies with SF 304 effective July 1, 2009, the same date that SF 304 is effective.</p>	
Fiscal Impact	The current estimate is the same as the estimate provided during the 2009 Legislative Session. Extending the Pilot Project Withholding Agreement Program for three years to June 30, 2013, will increase withholding receipt revenue of the five pilot project cities and decrease net State General Fund receipts by \$23.25 million over 12 fiscal years. The amount by fiscal year is provided in the first column of the following table.	

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General Fund Revenue Reduction in Millions of Dollars

	Fiscal Impact	Fiscal Year of Agreement		
	Total	FY 2011	FY 2012	FY 2013
FY 2011	\$ 0.78	\$ 0.78	\$ 0.00	\$ 0.00
FY 2012	1.55	0.78	0.78	0.00
FY 2013	2.33	0.78	0.78	0.78
FY 2014	2.33	0.78	0.78	0.78
FY 2015	2.33	0.78	0.78	0.78
FY 2016	2.33	0.78	0.78	0.78
FY 2017	2.33	0.78	0.78	0.78
FY 2018	2.33	0.78	0.78	0.78
FY 2019	2.33	0.78	0.78	0.78
FY 2020	2.33	0.78	0.78	0.78
FY 2021	1.55	0.00	0.78	0.78
FY 2022	0.78	0.00	0.00	0.78
	\$ 23.25	\$ 7.75	\$ 7.75	\$ 7.75

ARC 7847B

Rule Summary Rescinds the rules that were impacted by a 70-day Administrative Rules Review Committee (ARRC) delay, regarding Targeted Job Withholding Credits, effective on May 21, 2009.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Ron Robinson (Ext. 16256)

Office of Energy Independence

ARC 7913B

Rule Summary Creates the Iowa Power Fund Community Grants Program relating to energy efficiency. Specifies definitions for the Program and the planned geographic distribution of funding. Requires the Office of Energy Independence to issue Requests for Proposals twice a year. Requires monthly reporting to the Iowa Power Fund Board.

Fiscal Impact The Program is funded by a 4.00% allocation from the appropriation for the Iowa Power Fund. For FY 2010, the 4.00% allocation equals \$960,000. The Office anticipates using \$50,000 of the allocation for administration.

STAFF CONTACT: Ron Robinson (Ext. 16256)

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Iowa Finance Authority

ARC 7892B

Rule Summary Removes the definition of "title plant" from the Title Guarantee Division administrative rule references.

Fiscal Impact No fiscal impact.

ARC 7891B

Rule Summary Modifies the Low Income Housing Tax Credit Compliance Manual to comply with the federal Housing and Economic Recovery Act of 2008.

Fiscal Impact No fiscal impact.

ARC 7851B and 7850B

Rule Summary Adopts the 2009 allocation plan for the Local Housing Trust Fund Program and conforms the rules to SF 207 (Iowa Finance Authority Chapter Update Act). The Act requires at least 60.0% of the Housing Trust Fund moneys to be allocated for the Local Housing Trust Fund Program with the remaining funds awarded to project-based housing programs located in areas where a local housing trust fund does not exist or for a project-based housing program that is not eligible for funding through a local housing trust fund.

The Local Housing Trust Fund Allocation Plan is available at:

http://www.iowafinanceauthority.gov/documents/filelibrary/shtf/SHTF_2010_Allocation_Plan_7B6FD85134E80.pdf

Fiscal Impact No fiscal impact.

ARC 7895B

Rule Summary Adopts the 2009 allocation plan for the Local Housing Trust Fund Program and conforms the Project-Based Allocation Plan to SF 207 (Iowa Finance Authority Chapter Update Act). The Act requires at least 60.0% of the Housing Trust Fund moneys to be allocated for the Local Housing Trust Fund Program with the remaining funds to be used to make awards to project-based housing programs located in areas where a local housing trust fund does not exist or for a project-based housing program that is not eligible for funding through a local housing trust fund.

The Local Housing Trust Fund Allocation Plan is available at:

http://www.iowafinanceauthority.gov/documents/filelibrary/shtf/SHTF_2010_Allocation_Plan_7B6FD85134E80.pdf.

The Project-Based Allocation Plan is available at:

http://www.iowafinanceauthority.gov/documents/filelibrary/shtf/SHTF_2010_Allocation_Plan_ProjectBa_31C365503A7FC.pdf.

Fiscal Impact No fiscal impact.

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ARC 7900B and 7899B

Rule Summary Revises the Jump-Start Assistance Program to comply with HF 64 (Disaster Assistance Appropriations Act). Allocates the Disaster Damage Housing Assistance Grant Fund created by SF 376 (Revenue Bonding and I-Jobs Program Act) for grants that provide financial assistance to ease and speed recovery efforts of neighborhoods affected by the 2008 disasters.

Fiscal Impact Senate File 376 included a \$5.0 million Revenue Bonds Capitals Fund appropriation to the Iowa Finance Authority (IFA) for the Disaster Damage Housing Assistance Grant Fund. House File 64 included a \$24.0 million Economic Emergency Fund (EEF) appropriation for FY 2009 for the Jumpstart Housing Assistance Program. The funding may be carried forward to FY 2010.

ARC 7843B and 7842B

Rule Summary Extends the time period that the Jump-Start Housing Assistance Program eligible residents may receive interim mortgage assistance. Extends the forgiveness period for forgivable loans from five years to 10 years.

Fiscal Impact Minimal fiscal impact. The change to the interim mortgage assistance availability period does not make more money available, it extends the period of time that homeowners may receive it. The loan forgiveness does not change the amount of funding used for the loans and conforms to SF 289 (Jump-Start Housing Loan Forgiveness Act).

ARC 7896B

Rule Summary Provides the framework for creating a program to enhance water quality and to assist communities with water and wastewater improvement projects established in SF 376 (Revenue Bonding and I-Jobs Program Act). Adopts a plan for allocating grants from the Water Quality Financial Assistance Fund to provide additional financial assistance to communities receiving loans from the existing mechanism for water pollution and drinking water improvements.

Fiscal Impact Senate File 376 included a \$55.0 million Revenue Bonds Capitals Fund appropriation to the IFA for the Affordable Housing Assistance Grant Fund for grants to assist in obtaining affordable housing for certain elderly, disabled, low-income people, and to attract people for public service jobs that are facing a critical shortage area in the State. The Act requires \$35.0 million to be allocated for projects in small communities with a population of less than 10,000 people.

ARC 7898B and 7897B

Rule Summary Provides the framework for the Affordable Housing Assistance Grant Fund established in SF 376 (Revenue Bonding and I-Jobs Program Act) and adopts a plan for allocating grants from the Fund.

Fiscal Impact Senate File 376 included a \$20.0 million Revenue Bonds Capitals Fund appropriation to the IFA for the Affordable Housing Assistance Grant Fund for grants to assist in obtaining affordable housing for certain elderly, disabled, low-income people, as well as to attract new people for public service jobs that are facing a critical shortage area in the State.

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ARC 7893B and 7894B

Rule Summary	Provides the framework for the Public Service Shelter Grant Fund established in SF 376 (Revenue Bonding and I-Jobs Program Act) and adopts a plan for allocating grants from the Fund.
Fiscal Impact	Senate File 376 included a \$10.0 million Revenue Bonds Capitals Fund appropriation to the IFA for the Public Service Shelter Grant Fund, for construction, renovation, and improvements to homeless shelters, emergency shelters, and family and domestic violence shelters.

STAFF CONTACT: Ron Robinson (Ext. 16256)

Environmental Protection Commission

ARC 7855B

Rule Summary	Updates air quality rules for new federal requirements, including the adoption of new ambient air standards for lead and ozone, and adoption by reference of two new air toxic standards for metal fabrication and finishing operations and for plating and polishing operations. Other minor amendments to federal regulations are also being adopted. Permits a construction exemption for some temporary diesel engines used in periodic testing and maintenance of natural gas pipelines. Clarifies procedures for emissions testing. Updates references to the Department of Natural Resources' Air Quality Bureau office address to reflect a zip code change that took effect July 1, 2009.
Fiscal Impact	The Department of Natural Resources (DNR) estimates the costs to establish a new ambient air monitoring network for lead are at least \$100,000 per year. Additional equipment is needed for laboratory analysis of samples collected from the monitoring network for lead. At least 50.0% of the monitoring network for lead must be installed and operational by January 1, 2010, and the second half of the network must be installed and operating by January 1, 2011. No additional State or federal money is being provided to establish the ambient air monitoring network for lead. Funds to cover the costs of the network will be provided through the Title V operating permit fees.

ARC 7853B

Rule Summary	Establishes numerical water quality criteria for chloride and sulfate for the protection of aquatic life uses. Removes the total dissolved solids criteria and implementation approach.
Fiscal Impact	The DNR does not anticipate any new costs to the State and estimates the total cost for implementation is between \$1.6 and \$3.9 million for the facilities affected. See Attachment A for a detailed fiscal analysis.

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ARC 7854B

Rule Summary

Adds new rules concerning underground storage tank (UST) operator training, changes to conflict of interest for conducting compliance inspections, soil and groundwater investigation requirements, certification of groundwater professionals, and requirements for leaking pipe detection at unstaffed sites.

Details the training for three types of operators. A Class A operator is responsible for managing resources and personnel to achieve and maintain compliance. A Class B operator is responsible for implementing day-to-day aspects of operating, maintaining, and recordkeeping for one or more facilities. A Class C operator is the on-site employee controlling or monitoring dispensing of fuel and is the first line of response to emergency conditions. A person can qualify to be more than one class of operator. Provides responsibilities for each class of operator and criteria for training.

Changes the conflict of interest for third party compliance inspections and requires the certified compliance inspection to be conducted by a certified compliance inspector that is not the owner or operator of the UST system being inspected, an employee, or a person having daily on-site responsibility for the operation and maintenance of the UST system.

The rule change for leaking pipe detection at unstaffed facilities requires in-line leak detection to shut-off the submersible pump and stop product flow to the dispenser. At existing sites, this requirement must be met by June 1, 2010.

Fiscal Impact

The cost to the State is estimated to be less than \$100,000 per year. Other costs related to the rule change includes:

- Additional costs to the UST owners for formal training of their operators. The Petroleum Marketers and Convenience Stores of Iowa (PMCI) cost estimate for their program (expected to be available to non-members) is approximately \$500 per company.
- Underground storage tank sites that are now open without on-site staff and without catastrophic leak detection capable of shutting off the submersible pump will need to upgrade their in-line leak detector or stop operating when unstaffed. Depending on equipment at the site, the cost could be as low as \$200 and possibly as much as \$5,000. There will be additional costs to counties and local governments that own underground storage tanks.

STAFF CONTACT: Debra Kozel (Ext. 16767)

Natural Resource Commission

ARC 7852B

Rule Summary

Reflects the new electronic license sales contract and equipment upgrades. Reorganizes the rules to be more compliant with probable future changes.

Fiscal Impact

No fiscal impact.

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		ARC 7923B
Rule Summary	Revises the administrative fee charged to customers for most privileges sold through the Electronic Licensing System of Iowa (ELSI).	
Fiscal Impact	The ELSI administrative fee will increase from \$0.50 to \$1.50 and this will cover most of the administrative costs currently paid for by the Department of Natural Resources (DNR) from the Fish and Wildlife Trust Fund. The ELSI boat registration or transfer fee of \$3.65 is the same amount the DNR pays for this transaction. The annual estimated savings to the Fish and Wildlife Trust Fund is between \$300,000 and \$500,000.	
		ARC 7917B
Rule Summary	Adds all of Pool 15 and the portion of Pool 14 below the National Wildlife and Fish Refuge to those pools of the Mississippi River where the use of stationary blinds and waterfowl decoys is allowed.	
Fiscal Impact	No fiscal impact.	
		ARC 7918B
Rule Summary	Adds four new areas to the list of wildlife areas that game refuges can be posted.	
Fiscal Impact	No fiscal impact.	
		ARC 7857B
Rule Summary	Increases the price of all larger nursery stock by ten cents per seedling. Adds aspen trees to the hardwoods category.	
Fiscal Impact	The DNR estimates annual sales of 1.2 million seedlings that would generate an additional \$120,000 that will be deposited in the Land and Conservation Fund.	
		ARC 7856B
Rule Summary	Upgrades the status of the bald eagle and peregrine falcon from endangered to special concern on the endangered species listing.	
Fiscal Impact	No fiscal impact.	
		ARC 7919B
Rule Summary	Removes the three-year eligibility period limit for a landowner/tenant hunting license. The DNR recently verified the landowner/tenant hunting license database. Future eligibility will be periodically verified by DNR staff.	
Fiscal Impact	The DNR hired three temporary workers to verify the landowner/tenant database and found that 90.0% were registered correctly. The DNR law enforcement employees worked to correct the remaining 10.0% and will continue to periodically verify the database.	

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ARC 7920B

Rule Summary Reduces the quota for the fall turkey season in areas of Iowa where turkey brood surveys indicate turkey production has been below average. Removes the option for a third fall turkey license.

Fiscal Impact No fiscal impact.

ARC 7921B

Rule Summary Removes 17 counties from the paid November and January antlerless-only seasons and restricts the November antlerless-only licenses to taking antlerless deer on private land. The January-only licenses will go on sale December 15.

The antlerless-only quotas were increased in 13 counties and reduced in 5 counties. These county quotas may need to be adjusted after deer population surveys are completed.

Clarifies that statewide paid any-deer licenses may not be used in deer population management zones if prohibited by the rules for the management zone.

Specifies that all antlerless deer taken under shooting permits issued as part of a depredation agreement must be reported to a conservation officer within 48 hours.

Fiscal Impact No fiscal impact.

ARC 7933B

Rule Summary Publicizes the season dates, bag limits, possession limits, and areas open to hunting or trapping furbearers.

Fiscal Impact No fiscal impact.

ARC 7922B

Rule Summary Allows trappers to place traps or stakes in the public right-of-way two weeks prior to the opening season date. Requires live animals to be released immediately or euthanized by the trapper.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

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Voter Registration Commission

ARC 7883B and 7884B

Rule Summary Makes technical changes to Iowa's voter registration procedures to conform to changes enacted by HF 475 (Election and Voter Registration Act). Removes obsolete references to voter registration systems and processes used prior to the implementation of Iowa's statewide voter registration system as mandated by the 2002 Help America Vote Act.

Fiscal Impact No fiscal impact.

STAFF CONTACT: David Reynolds (Ext. 16934)

Department of Inspections and Appeals

ARC 7877B

Rule Summary Regulates elder group homes, assisted living programs, and adult services. Senate File 601 (FY 2008 Standings Appropriations Act) enacted during the 2007 Legislative Session transferred the regulatory authority of these entities from the Department of Elder Affairs to the Department of Inspections and Appeals.

Fiscal Impact No fiscal impact.

ARC 7878B

Rule Summary Regulates assisted living programs. Senate File 601 transferred regulatory authority of these entities from the Department of Elder Affairs to the Department of Inspections and Appeals.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Joseph Brandstatter (Ext. 52062)

Board of Nursing

ARC 7889B

Rule Summary Requires license applicants with a criminal history to submit specified court documents to the Board of Nursing for review.

Fiscal Impact No fiscal impact.

ARC 7888B

Rule Summary Permits registered nurse practitioners (ARNP) to provide direct supervision in the use of fluoroscopic x-ray equipment. Clarifies the scope of practice for the ARNP and the educational requirements for the supervision of fluoroscopy. Fluoroscopy is an x-ray procedure that makes it possible to see internal organs in motion.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

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Department of Human Services

ARC 7879B

Rule Summary Updates the operations of the Risk Pool Board to convene the Board earlier in a fiscal year. This permits counties to apply for funds earlier and the funds to be dispersed earlier. Requires Risk Pool applications to be submitted by July 1, and the Board to make final decisions by August 15. Requires funding to be dispersed by September 15.

Fiscal Impact No fiscal impact. House File 820 (FY 2010 Federal Funds Appropriations Act) includes a \$10.0 million appropriation from the federal American Recovery and Reinvestment Act of 2009 (ARRA) for the Risk Pool.

ARC 7928B

Rule Summary Decreases the maximum period that the Department of Human Services (DHS) may collect on a Food Assistance Program claim that is the result of an error by the DHS.

Fiscal Impact No fiscal impact.

ARC 7930B and 7929B

Rule Summary Removes two of the requirements for an infant to be deemed Medicaid-eligible for 12 months because of “newborn” status, a mandatory coverage group under the Medicaid Program. This change was required by the federal Children’s Health Insurance Program Reauthorization Act (CHIPRA) of 2009.

Fiscal Impact This change is estimated to cost \$2.9 million for FY 2010 and \$3.1 million for FY 2011. No funding was specifically provided for this change, but it is estimated that there is sufficient funding available to cover the cost within the FY 2010 Medicaid Program appropriation.

ARC 7931B

Rule Summary Increases the Medicaid income limit for pregnant women and for infants less than one year of age to 300.0% of the Federal Poverty Level (FPL).

Fiscal Impact This change is estimated to cost \$2.2 million in FY 2010 and \$6.7 million in FY 2011. Funding was provided for this change in HF 820 (FY 2010 Federal Funds Appropriations Act) for FY 2010.

ARC 7934B and 7932B

Rule Summary Provides Medicaid coverage to all eligible children that federal funding is available for, including lawful permanent residents.

Fiscal Impact This change is estimated to cost the General Fund \$84,000 in FY 2010 and \$239,000 in FY 2011. Funding was provided in HF 820 (FY 2010 Federal Funds Appropriations Act) for FY 2010.

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ARC 7935B

Rule Summary Makes technical changes to the Medicaid Health Insurance Premium Payment (HIPP) Program to reflect changes in the insurance industry.

Fiscal Impact Minimal fiscal impact.

ARC 7936B

Rule Summary Revises the incident reporting standards for providers of Medicaid Habilitation Services and service providers under the Medicaid Mental Retardation, Brain Injury, and Children's Mental Health waivers. Adds identical incident reporting standards for providers of services under the Medicaid Ill and Handicapped, Elderly, AIDS/HIV, and Physical Disability waivers. Changes are required by the federal Centers for Medicare and Medicaid Services (CMS).

Fiscal Impact No fiscal impact.

ARC 7938B and 7937B

Rule Summary Sets the Medicaid Program reimbursement policy for translation or interpretation services provided in connection with the use of Medicaid services by members whose primary language is not English.

Fiscal Impact This change is estimated to cost the General Fund \$194,000 in FY 2010 and \$200,000 in FY 2011. Funding was provided in HF 820 (FY 2010 Federal Funds Appropriations Act) for FY 2010.

ARC 7882B and 7881B

Rule Summary Permits children in lawful permanent resident status to receive Healthy and Well Kids in Iowa (hawk-i) coverage if otherwise eligible, regardless of their date of entry into the United States. This change was made in SF 389 (FY 2010 Health Care Omnibus II Act).

Fiscal Impact This change is estimated to cost the General Fund \$11,000 in FY 2010 and \$29,000 in FY 2011. Funding was provided in HF 820 (FY 2010 Federal Funds Appropriations Act) for FY 2010.

STAFF CONTACT: Jess Benson (Ext. 14611)

Department of Agriculture and Land Stewardship

ARC 7867B

Rule Summary Permits persons eligible for Senior Farmer's Market Nutrition Program coupons to purchase honey at farmer's markets.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Debra Kozel (Ext. 16767)

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Department of Cultural Affairs

ARC 7925B

Rule Summary	Provides organizing rules for the Iowa Cultural Trust, including definitions, criteria for Trust Fund Credits, and grant program eligibility.
Fiscal Impact	Funds in the Iowa Cultural Trust Grant Account are to be used for the purposes of the Iowa Cultural Trust. For FY 2010, the Cultural Trust Board of Trustees approved \$13,000 for related salary costs, \$5,000 for administrative expenses, and \$50,000 for grants. The Board anticipates the FY 2011 administration budget to be about the same as FY 2010 with an increase of \$25,000-\$50,000 in grants compared to FY 2010. Funds are available from the interest generated by the Iowa Cultural Trust Fund.

STAFF CONTACT: Ron Robinson (Ext. 16256)

Board of Educational Examiners

ARC 7862B

Rule Summary	Permits the denial of a teaching license to individuals that the Department of Revenue have certified as owing a debt to local or State government.
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Fiscal Impact No fiscal impact.

ARC 7872B

Rule Summary	Eliminates obsolete language regarding teacher exchange licenses.
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Fiscal Impact No fiscal impact.

ARC 7860B

Rule Summary	Eliminates the option of issuing a teaching license before applicants have been awarded a college degree.
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Fiscal Impact No fiscal impact.

ARC 7871B

Rule Summary	Reduces the teacher exchange license from two years to one year and specifies that completion of a regionally accredited teacher preparation program will qualify an applicant.
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Fiscal Impact No fiscal impact.

ARC 7869B

Rule Summary	Eliminates the requirement that teacher preparation programs be accredited by the National Council for Accreditation of Teacher Education (NCATE).
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Fiscal Impact No fiscal impact.

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ARC 7874B

Rule Summary Eliminates obsolete language regarding administrator exchange licenses.

Fiscal Impact No fiscal impact.

ARC 7873B

Rule Summary Reduces the administrator exchange license from two years to one year and specifies that completion of a regionally accredited administrator preparation program will qualify an applicant.

Fiscal Impact No fiscal impact.

ARC 7861B

Rule Summary Specifies that a behind-the-wheel instructor authorization is only valid as long as the instructor continues to meet the qualifications relating to age, valid drivers license, and driving record.

Fiscal Impact No fiscal impact.

ARC 7868B

Rule Summary Clarifies the definition of “fraud” by eliminating one of two conflicting definitions within the Code of Professional Conduct.

Fiscal Impact No fiscal impact.

ARC 7864B

Rule Summary Adds to the Code of Ethics language addressing the statutory requirement that licensees be in compliance with State law governing payment of debts to the State or local governments.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Robin Madison (Ext. 15270)

Ethics and Campaign Disclosure Board

ARC 7866B

Rule Summary Establishes criteria that the Ethics and Campaign Disclosure Board will use in determining whether a publication is entitled to the press exception or is a sham newspaper that triggers the campaign laws. This rule applies only to a publication sent out when the owner, editor, or publisher of the publication is also a candidate for public office.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Joseph Brandstatter (Ext. 52062)

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Insurance Division – Department of Commerce

ARC 7880B

Rule Summary Provides for the retrospective payment of clean claims for covered physician services during the credentialing period of the physician.

Fiscal Impact No fiscal impact.

ARC 7914B

Rule Summary Permits the Insurance Commissioner to exempt a conduit from the quarterly reporting requirements if the conduit's obligations to the insurers in its holding company system are unconditionally guaranteed by a "qualified counterparty" known as an "investment grade" business entity.

Fiscal Impact No fiscal impact.

ARC 7915B

Rule Summary Corrects the mismatch related to changes in the value for the derivative assets as compared to the interest accrual in the reserve allowing for a more accurate representation of an insurance company's capital position.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Joseph Brandstatter (Ext. 52062)

Iowa Public Employees' Retirement System

ARC 7916B

Rule Summary Permits members whose wages have been reduced through employer-mandated reduction of hours to make contributions to restore wages to what they would have been absent of the employer-mandated wage reduction of hours. The change is retroactive to January 1, 2009.

Fiscal Impact The fiscal impact would be to the employee member. It is difficult to determine without knowing how many employers have utilized the programs, the number of employees that have been furloughed, details relating to the duration of each furlough, and how many employees will take advantage of the ability to restore their final average salary under the Iowa Public Employees' Retirement System (IPERS). Deductions are required to be made from wages earned on or before June 30, 2010, with collections from those wages made by employers by July 31, 2010.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

Labor Services Division – Department of Workforce Development

ARC 7927B

Rule Summary Removes a provision regarding the use of powered industrial trucks to lift personnel to comply with a change to the federal occupational safety and health (OSHA) rules for general industry.

Fiscal Impact No fiscal impact.

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ARC 7840B

Rule Summary Elevator Safety Board: Removes unnecessary and obsolete rules. Creates a process for verifying correction of certain hazards without an on-site inspection. Creates a special permit for controller upgrades. Increases the inspection fee for moving walks and escalators.

Fiscal Impact The \$15.00 fee increase for inspections of approximately 230 escalators and moving walks will increase revenue to the Elevator Fund by an estimated \$3,450. New fees are created for extensions of certain permits and for controller upgrade permits, however, only a few of these are anticipated each year. Elevator companies will have additional requirements concerning training for their mechanics.

ARC 7841B

Rule Summary Outlines the circumstances and procedures for revocation, suspension, and denial of an elevator special inspector commission.

Fiscal Impact No fiscal impact.

ARC 7865B and 7863B

Rule Summary Changes the timing of the fee charged to owners of boilers.

Fiscal Impact Owners of boilers are currently paying \$50.00 for a two-year certificate. The new rule will require payment of \$100 for a four-year certificate. The per year cost remains at \$25.00 per year.

ARC 7876B and 7875B

Rule Summary Rescinds a \$25.00 fee for a two-year contractor registration and includes the transition to the new fee of \$50.00 per year.

Fiscal Impact Increases the contractor registration fee from \$25 every two years to \$50 every year. This is estimated to increase fee revenue by \$675,000. Changes the deposit of the fee revenue from the General Fund to the Contractor Registration Fund. This is estimated to decrease General Fund revenue by \$225,000 per year. The estimate is the same as provided during the 2009 Legislative Session.

STAFF CONTACT: Ron Robinson (Ext. 16256)

Board of Pharmacy

ARC 7926B

Rule Summary Permits pharmacies and pharmacists, when using a shared online database, to maintain records that have been transferred electronically as electronic records instead of having to ensure that a hard-copy of the transmission is available.

Fiscal Impact No fiscal impact.

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ARC 7912B

Rule Summary Requires hospital pharmacies to utilize a unit dose dispensing system, to the extent possible, for the distribution of drugs to patients in a hospital. Requires the pharmacist in charge to provide a determination in situations where utilization of unit dose dispensing is not possible. Requires policies and procedures be established to identify those situations. Requires the pharmacist in charge to develop policies and procedures regarding the use of patient-owned drugs brought to the institution.

Fiscal Impact No fiscal impact.

ARC 7910B

Rule Summary Authorizes electronic transmissions between a prescriber and a pharmacy, via the prescriber's agent, of new prescriptions or refills and renewals of prescriptions. Requires the prescriber agent's name and title to be included on any transmitted document. Clarifies that a written or electronic signature of the prescriber is not required on refills or renewed prescriptions if the identifying number matches the original prescription number.

Fiscal Impact No fiscal impact.

ARC 7908B

Rule Summary Establishes requirements in conformance with federal Drug Enforcement Administration policies. Permits prescribers to issue multiple prescriptions for the same Schedule II controlled substance for the same patient over a period of time not to exceed a 90-day supply of the prescribed substance. Currently, patients may need to visit health care providers monthly to receive the prescription. Prohibits a pharmacist from filling a prescription for a Schedule II controlled substance prior to the fill date authorized on the prescription. Prohibits a pharmacist from seeking the verbal approval of the prescriber to change a fill date.

Fiscal Impact No fiscal impact.

ARC 7906B

Rule Summary Temporarily designates tapentadol as a Schedule II controlled substance and lacosamide as a Schedule V controlled substance. Both substances are subject to the control and recordkeeping provisions of the Iowa Uniform Controlled Substances Act

Fiscal Impact No fiscal impact.

ARC 7924B

Rule Summary Requires the beyond-use date for a sterile compounded product to be calculated to include any period of time the product is contained in a reservoir administration device. Clarifies the approved storage periods for high-risk compounded preparations depending on the temperature of the preparation during storage.

Fiscal Impact No fiscal impact.

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ARC 7903B

Rule Summary Establishes the requirements, authorizations, and limitations relating to the Board of Pharmacy's Prescription Drug Monitoring Program. Requires pharmacies to report specific information regarding the dispensing of identified controlled substances to patients and authorizes practitioners involved in the care and treatment of a patient to query program information to identify the patient's use of substances. Practitioners are not required to utilize or query the information in the program database. Makes revisions to Noticed Rule ARC# 7676B due to public comment to include identification of the Prescription Monitoring Program (PMP) administrator as the individual responsible for correcting erroneous records, and permission for the director of agencies or health practitioner boards to sign and submit information requests to a PMP.

Fiscal Impact The Program was established and implemented with federal funds. Upon the expiration of the federal funding, the Board will continue to contract with the Program's current vendor. The Board collects and retains sufficient funds from license and registration fees to support the estimated annual cost of the Program of \$85,000.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

Professional Licensure Division – Department of Public Health

ARC 7858B

Rule Summary Board of Behavioral Science: Sets the fee for a temporary license for marital and family therapists and mental health counselors at \$120 and defines the requirements for temporary licensure. Clarifies the requirements for supervised work experience.

Fiscal Impact No fiscal impact to the State.

STAFF CONTACT: Deborah Helsen (Ext. 16764)

Department of Public Safety

ARC 7887B

Rule Summary Updates the requirements for ignition interlock devices to recognize technological advances.

Fiscal Impact No fiscal impact.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

Board of Regents

ARC 7911B

Rule Summary Permits qualified veterans and military persons, and their spouses and dependent children stationed at the Rock Island arsenal or domiciled in the State to pay the resident tuition and fees rate to attend a Board of Regents university. Students will still need to fulfill admission requirements specified by each Regent university.

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Fiscal Impact There is no impact to the State General Fund.

The fiscal impact for the Universities cannot be specifically determined. Based on current enrollment of nonresident veterans, the Regents universities will forego estimated nonresident tuition revenues of \$993,000 in FY 2010 and \$1.0 million in FY 2011.

For each active military personnel stationed at the Rock Island Arsenal, qualified veteran, their spouse, or dependent child that enrolls in a Regents university because of this change, the university will have increased tuition revenues of \$6,700 in FY 2010 and \$6,900 in FY 2011. It is not known how many students would not have attended an Iowa Regents University and will choose to come to Iowa because of this change.

Rule Summary **ARC 7907B**
Updates admission requirements for the College of Veterinary Medicine at Iowa State University, including information by website, changes in the application deadline, hours completed before application, and related adjustments. Requires all applicants to use the Veterinary Medical College Application Service (VMCAS – www.aavmc.org). Specifies that fees are charged to applicants by the organization based on the number of colleges that applications are made to.

Fiscal Impact No significant fiscal impact.

Rule Summary **ARC 7904B**
Increases five of the 20 fines for parking violations at Iowa State University (ISU). The affected fines are:

<u>Offense</u>	<u>Old Fine</u>	<u>New Fine</u>
Altering, forging, or counterfeiting any parking permit	\$ 80.00	\$ 150.00
Unauthorized possession and use of a parking permit	80.00	150.00
Illegal parking	15.00	30.00
Overtime parking at meter	7.50	10.00
Failure to purchase a parking receipt	7.50	10.00

Fiscal Impact No significant fiscal impact. Revenues from parking fines go to the ISU Parking Division and are not part of the University's general operations budget. The increase in fines is expected to produce a small decrease in fine revenues. The last time fines were raised in 2006, approximately 21,000 fewer tickets were written and fine collections decreased by about \$18,000 for that year.

Rule Summary **ARC 7905B**
Updates titles and other department information, clarifies the Departments that may enter into contracts, complies with the Iowa Smoke-Free Act, and makes other technical changes.

Fiscal Impact No fiscal impact.

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Department of Revenue

ARC 7870B

- Rule Summary** Reflects changes made in sales and use tax laws as a result of the Streamlined Sales Tax Act and groups all rules related to agricultural production in a single location. Exempts certain replacement parts for the repair or reconstruction of farm machinery and equipment from sales and use tax.
- Fiscal Impact** Broadens existing exemptions and will result in a minor loss of tax revenue. The estimate was known during the 2008 General Assembly when the action was enacted.

STAFF CONTACT: Joseph Brandstatter (Ext. 52062)

Utilities Division – Department of Commerce

ARC 7859B

- Rule Summary** Establishes an abbreviated franchise process for upgrades, conversion, or reconstruction of 34.5 kilovolt (kV) electric lines to 69 kV lines, and establishes a limit on acquiring new or additional property interests and notice to property owners and tenants.
- Fiscal Impact** No fiscal impact.

ARC 7849B

- Rule Summary** Permits a 12-month extension for wind generation facilities to become operational if specified equipment is not available.
- Fiscal Impact** No fiscal impact.

STAFF CONTACT: Joseph Brandstatter (Ext. 52062)

Department of Veterans Affairs – Iowa Veterans Home

ARC 7890B

- Rule Summary** Increases the amount that residents participating in an incentive therapy program are permitted to retain from \$65.00 to \$75.00 per month for those living in nursing care and from \$125.00 to \$150.00 per month for those living in the domiciliary. These new limits will be exempt from the computation of member support billed to residents.
- Fiscal Impact** Minimal fiscal impact. Annual revenues to the Iowa Veterans Home are estimated to be reduced by \$29,619.

STAFF CONTACT: Sue Lerdal (Ext. 17794)
